

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

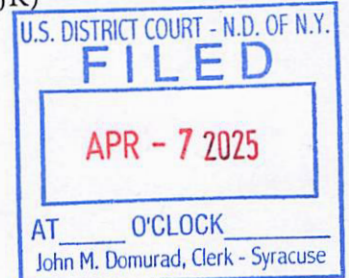
v. )

SERGIO GOMEZ-HERNANDEZ )

Case No. 5:25-MJ-102 (MJK)

Defendant(s) )

## CRIMINAL COMPLAINT



I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 17, 2024 in the county of Cortland in the Northern District of New York the defendant(s) violated:

*Code Section*  
Title 8, U.S.C., Section 1326.

*Offense Description*  
Re-Entry of Deported Alien.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

James W. O'Rawe, ICE Deportation Officer

*Printed name and title*

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: April 7, 2025

Digitally signed by Mitchell J Katz  
Date: 2025.04.07 14:16:22 -04'00'

*Judge's signature*

City and State: Syracuse, New York

Hon. Mitchell J. Katz, U.S. Magistrate Judge

*Printed name and title*

1. On December 17, 2024, the Cortland, New York, Police Department ("CPD") arrested Sergio GOMEZ-HERNANDEZ following a traffic stop for Aggravated Driving While Intoxicated and various other violations of the New York State Vehicle and Traffic Law. As part of the arrest process, a complete set of fingerprints were electronically captured from GOMEZ-HERNANDEZ and submitted to the Federal Bureau of Investigation (FBI). GOMEZ-HERNANDEZ was ultimately issued an appearance ticket and released from CPD custody.

2. Subsequent latent print analysis confirmed that GOMEZ-HERNANDEZ is a Guatemalan citizen with no legal right to be in the United States. GOMEZ-HERNANDEZ illegally entered the United States via Mexico on or about March 9, 2020, and was ordered deported on or about March 13, 2020. GOMEZ-HERNANDEZ was deported from the United States to Guatemala on or about August 24, 2020, via ICE Air Charter flight out of Mesa, Arizona.

3. At the time of his removal, GOMEZ-HERNANDEZ was provided with a Notice to Alien Removed/Departure Verification (Form I-296), advising him that he would be in violation of 8 U.S.C. § 1326 if he entered, attempted to enter, or was found in the United States without the Secretary of Homeland Security's express consent.

4. GOMEZ-HERNANDEZ has never applied for or received permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States since his removal in 2020.